

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

DURRELL ANTHONY PUCKETT,

Plaintiff,

v.

BARAONA, *et al.*,

Defendants.

Case No. 1:21-cv-01448-DAD-BAM (PC)

ORDER DIRECTING PLAINTIFF TO FILE  
NOTICE CLARIFYING HIS INTENT  
REGARDING REVISED STATEMENT TO  
EXCHANGE CRUZ TO A. RUIZ

(ECF No. 32)

**TWENTY-ONE (21) DAY DEADLINE**

Plaintiff Durrell Anthony Puckett ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's first amended complaint against: (1) Defendants Baraona, Burneszki, Leos, Hernandez, Diaz, and Doe 1 for excessive force in violation of the Eighth Amendment; (2) Defendant Leos for sexual assault in violation of the Eighth Amendment; and (3) Defendants A. Ruiz, Martinez, E. Ruiz, Meiers, Gutierrez, A. Cruz, K. Cronister, and Jane Doe Nurse for failure to protect in violation of the Eighth Amendment.

Defendants Baraona, Burneszki, Leos, Hernandez, Diaz, A. Ruiz, E. Ruiz, Gutierrez, and K. Cronister were served under the Court's E-Service pilot program for civil rights cases for the Eastern District of California. (ECF Nos. 17, 22.) However, Defendants Martinez, Meiers, and A. Cruz could not be identified.

In response to the Court's April 22, 2022 order to show cause regarding Defendants Martinez, Meiers, and A. Cruz, Plaintiff provided additional identifying information for the three unserved defendants. (ECF Nos. 24, 28.) The Court then discharged the order to show cause and directed a second E-Service attempt on Defendants Martinez, Meiers, and A. Cruz based on this new information. (ECF Nos. 29–31.)

1 Currently before the Court is Plaintiff's "Revised Statement to Exchange Cruz to A.  
2 Ruiz," filed May 10, 2022. (ECF No. 32.) In this filing, Plaintiff provides additional identifying  
3 information for A. Ruiz, stating that for over one year, she was EOP HUB Treatment Center Lead  
4 Officer on 1/20/2021. She also was the 3A03 Saturday officer escort nurse in 2009. She was  
5 working EOP HUB Treatment Center 2nd Watch on 1/20/21. She was also EOP HUB Treatment  
6 Center staff at the desk, who logs in group attendance on 1/19/21 and is a part of EOP HUB  
7 escorting officer. (*Id.*)

8 Based on this filing, it is not clear whether Plaintiff is intending to substitute the  
9 unidentified defendant A. Cruz for another A. Ruiz, as described in this filing, or to substitute the  
10 same A. Ruiz who has already been served in this action. In light of Plaintiff's *pro se* status and  
11 the summons that have already been issued to A. Cruz (identified previously as the 3A03  
12 Property Officer on January 20, 2021), (ECF No. 30), the Court finds it appropriate to allow  
13 Plaintiff to clarify his intent.

14 Specifically, Plaintiff should file a written response clarifying whether the defendant  
15 originally named A. Cruz in the first amended complaint is the same as the defendant A. Ruiz  
16 named in the first amended complaint, or whether there are two defendants named A. Ruiz he  
17 intends to sue in this action. If there are two defendants named A. Ruiz, Plaintiff should provide  
18 identifying information for both so the Court can identify each defendant separately.

19 Accordingly, within **twenty-one (21) days** from the date of service of this order, Plaintiff  
20 shall file written notice as described above. If Plaintiff fails to respond to this order, the Court  
21 will proceed with the originally named Defendants A. Cruz and A. Ruiz as separate defendants in  
22 this action.

23 IT IS SO ORDERED.

24 Dated: May 11, 2022

25 /s/ Barbara A. McAuliffe  
26 UNITED STATES MAGISTRATE JUDGE  
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